

DMCW/092094/O - DEMOLITION OF EXISTING UNIT, CONSTRUCTION OF CIRCA 5574m² OF B1/B2/B8 INDUSTRIAL/WAREHOUSE UNITS, ASSOCIATED SERVICE YARDS, CAR PARKING AND ACCESS IMPROVEMENTS AT THREE ELMS TRADING ESTATE, BAKERS LANE, THREE ELMS ROAD, HEREFORD, HR4 9P

**For: Advantage West Midlands per Mr Stuart Wenman
P & P West Midlands, Centrix @ Keys, Keys Business
Village, Keys Park Road, Hednesford, Staffs, WS12 2HA**

**Date Received: 1 September 2009 Ward: Three Elms Grid Ref: 349380,241497
Expiry Date: 24 December 2009**

Local Members: Councillors PA Daniels, SPA Daniels and AM Toon

1. Site Description and Proposal

- 1.1 The application site as a whole extends to a little over 2 hectares, and is comprised of allocated employment land known as Three Elms Trading Estate, together with a triangular parcel of land (0.7 hectares) immediately to the northeast which it is proposed to incorporate to create an extension to the industrial estate. This additional parcel of land forms part of a large area of open amenity space which is accessible from Chatsworth Road. Additionally a strip of amenity land to the south of the existing access is required to facilitate the creation of the remodelled road.
- 1.2 Although businesses are presently located at the eastern and western ends, the central part section of the Three Elms Trading Estate stands vacant and derelict, following the demolition of a large brick built cold store in the spring of 2003.
- 1.3 The application seeks outline planning permission for the construction of new B1/B2/B8 industrial/warehouse units with a cumulative floor area of 5574m², together with associated works to create service yards, car parking and access improvements. The effect of these works will be to redevelop the redundant core of the industrial estate to create a more vibrant and commercially viable environment. One of the key strategic objectives in redeveloping this site is to provide for viable and attractive alternative accommodation to meet the needs of local businesses relocating from the Edgar Street Grid regeneration area.
- 1.4 To make way for the development an existing commercial building extending to 785m² will be demolished, therefore the proposed development will give rise to an aggregate increase of approximately 4790m² of commercial floor space.
- 1.5 As stated above the application is outline, and all matters of access, design, layout and landscaping are reserved for future consideration. However indicative plans have been provided, which illustrate the broad principles in terms of design and layout.

2. Policies

- 2.1 S1 - Sustainable Development
- S2 - Development Requirements
- S4 - Employment
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR5 - Planning Obligations
- DR7 - Flood Risk
- DR13 - Noise
- DR14 - Lighting
- E7 - Other Employment Proposals Within and Around Hereford and the Market Towns
- E8 - Design Standards for Employment Sites
- T11 - Parking Provision
- LA6 - Landscaping Schemes
- HBA9 - Protection of Open Areas and Green Spaces
- RST4 - Safeguarding Existing Recreational Open Spaces

3. Planning History

- 3.1 DCCW2004/1220/O Construction of new business units for B1, B2 and B8 uses, new estate spine road and parking areas, demolition of existing Unit 9A. Approved 2 June 2004.
- 3.2 DCCW2004/3134/RM Construction of new business units for B1, B2 and B8 uses, new estate spine road and parking areas, demolition of existing Unit 9A. Approved 25 January 2005.

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency: Comments awaited.
- 4.2 Welsh Water: No objection but suggest the use of standard drainage conditions, together with a note advising the applicant that a public sewer crosses the site.
- 4.3 Sport England: Comments awaited.

Internal Council Advice

- 4.4 Traffic Manager: No objection, but recommend conditions to secure the provision of details of parking and manoeuvring area, cycle storage and a travel plan.
- 4.5 Public Rights of Way Manager: No objection.
- 4.6 Economic Development Manager: No objection from an economic standpoint the development of this site is seen as an important element of success for Edgar Street Grid, helping to retain jobs and allowing local business to develop and grow.

- 4.7 Environmental Health & Trading Standards Manager: No objection but recommend the use of a condition to secure a phased implementation of a contaminated land assessment.

5. Representations

- 5.1 Hereford City Council: No objection.

- 5.2 Letters of objection have been received from properties in Chequers Close, Leigh Street, Grandstand Road, Chatsworth Road and Percival Street, summarised as:

- There's room within the existing trading estate to accommodate new development, it does not need to be extended. Hereford has many vacant industrial units, there is no demand for more, and the likelihood is that a percentage of these new units are likely to remain empty.
- Unacceptable loss of open amenity space, the development will create environmental damage, play area has been left to grow wild for years it is now a haven for wildlife. The development would be seen from the road, the open amenity space and sports area.
- Children and adults continue to use the redundant tennis court, at a time when we're encouraged to stay active, it is a shame to consider losing such a well used recreational facility. Dog walkers would come into conflict with other users of the reduced open amenity space.
- More development would be a flood risk.
- Increased traffic will create a danger to the public, children attending local schools would be at risk.
- The loss of the open space will remove a buffer between the industrial estate and the adjoining dwellings. Units are far too close to adjoining dwellings harming their amenity, and industrial uses will bring more health problems for local residents. Will any compensation be paid to the local residents. The units closest to the adjoining houses should be restricted to a B1 use. Concern for residents having to use porta-loos whilst sewerage works are undertaken.

- 5.3 In addition a petition signed by 71 people objecting to the proposal has been received.

The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 Having regard for the relevant policies, the primary issues in determining this application are considered to be:

The Principle of Development
Design and Layout
Loss of Open Space
Residential Amenity
Access and Highways Issues
Flooding
Planning Obligation

Principle of Development

- 6.2 The majority of the application site is a designated area safeguarded for B1, B2 and B8 employment purposes within the Herefordshire Unitary Development Plan 2007. With regard to the existing open space which will be developed to allow for the expansion of the existing industrial estate, having proper regard for the strategic socio-economic opportunities which can be secured through the comprehensive enhancement and redevelopment of the site, the harm caused by the loss of the open space is considered to be outweighed by those benefits. Therefore, the proposed development is acceptable in principle, subject to other material considerations being satisfactorily resolved.

Design and Layout of the Development

- 6.3 This application is for outline planning permission with all matters reserved. However having consideration for the character and appearance of both the existing industrial estate and that of the wider locality, it is considered that the broad principle of the design and density illustrated in the indicative plans can be acceptably accommodated without undue harm to the levels of amenity presently enjoyed.

Loss of Open Space

- 6.4 The triangular parcel of land which will be incorporated into the industrial estate, although forming part of a larger area of public open amenity space, is in itself not considered to make such a significant contribution to the character and form of the settlement pattern in the wider locality as to make its loss so demonstrably harmful as to substantiate sustainable grounds for refusal in this instance. Furthermore compensatory measures will be brought forward to mitigate for the loss of the open space which will be directly financed by the sale of the land.

Residential Amenity

- 6.5 Whilst it is acknowledged that the proposed development will inevitably alter the setting and outlook of the neighbouring properties, particularly those whose curtilages presently abut the area of open space referred to above, having consideration for the existing relationship that the neighbouring properties have with the designated employment area, the proposed development is not considered to give rise to sustainable grounds for refusal in this instance.
- 6.6 More specifically in regard to the concerns raised in the letters of objection, it is considered that the impact on the residential amenity can be satisfactorily mitigated, and appropriate conditions are recommended to secure a development which is both well designed and incorporating an appropriate landscaped buffer.

Access and Highways

- 6.7 The comments of the Traffic Manager are noted and appropriate conditions are recommended to secure the prior approval of the internal road layout, parking areas, secure cycle storage and a travel plan. Whilst the concerns raised about the perceived risks associated with an increase in traffic are noted, in the absence of an objection from the Traffic Manager these are not considered to give rise to any defensible grounds upon which to substantiate grounds for refusal.

Flooding

- 6.8 The site is located within Zones 2 & 3 on the Environment Agency's indicative flood plain maps, therefore in accordance with standing advice a Flood Risk Assessment (FRA) submitted in support of the application. .

Planning Obligation

- 6.9 The proposed development falls within the terms of the adopted Planning Obligations SPD and as such is liable for a range of Section 106 contributions. However, in accordance with the decision of the Cabinet Member for Environment and Strategic Housing to relax the requirement for employment development (Classes B1, B2, B8) which came into effect on the 1 April 2009, the proposed development is exempt from the need to make any contributions.

Conclusion

- 6.10 Overall the proposal complies with the relevant development plan policies and as such, approval is recommended.

RECOMMENDATION

Subject to there being no material objection from the Environment Agency by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers:

- 1 **A02 Time limit for submission of reserved matters (outline permission)**
- 2 **A03 Time limit for commencement (outline permission)**
- 3 **A04 Approval of reserved matters**
- 4 **A05 Plans and particulars of reserved matters**
- 5 **H18 On site roads - submission of details**
- 6 **H29 Covered and secure cycle parking provision**
- 7 **H30 Travel Plans**
- 8 **I32 Details of floodlighting/external lighting**
- 9 **L02 No surface water to connect to public system**
- 10 **L03 No drainage run-off to public system**
- 11 **L04 Comprehensive & Integrated draining of site**

- 12 Full particulars and detailed plans, sections and elevations of the proposed development, including the items below, shall be submitted to and approved in writing by the local planning authority before any works are commenced:
- i. The siting of all the building(s) in relation to the site boundaries and adjoining buildings including neighbouring residential properties.
 - ii. The design of the building(s) (including floor space, height, massing, internal layout, treatment of the roof and external appearance together with details of facing materials to be used and their colour and texture).
 - iii. The means of access to the building(s).
 - iv. The use of any part of the site not covered by building(s) and the treatment thereof (including hard and soft landscaping, i.e. planting, paving, walls and fences).
 - v. The extent and position of accommodation for the parking and loading and unloading of vehicles.
 - vi. The level of each floor of the building(s) in relation to the site measured from an external datum point.

Reason: To define the terms under which this outline planning permission is granted and to ensure that the proposed development is not detrimental to the visual or residential amenity of the wider locality so as to comply with Policies DR1, DR2, DR3 and DR4 of the Herefordshire Unitary Development Plan 2007.

- 13 No development whatsoever shall take place until a 'Construction Method Statement' has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. The hours when building operations will occur. (Note: In any event the local planning authority will not allow this to exceed the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm or at any time on Sundays, Bank or Public Holidays).
 - ii. The parking of vehicles of site operatives and visitors.
 - iii. Loading and unloading of plant and materials.
 - iv. Storage of plant and materials used in constructing the development.
 - v. The erection and maintenance of site security hoardings, where appropriate.
 - vi. Wheel washing facilities.
 - vii. Measures to control the emission of dust and dirt during construction.

- viii. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To define the terms under which this outline planning permission is granted and to ensure that the proposed development is not detrimental to the environmental or residential amenity of the wider locality so as to comply with Policies DR1, DR2, DR4 and DR13 of the Herefordshire Unitary Development Plan 2007.

- 14 No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) A 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways and receptors, a conceptual model and a risk assessment in accordance with current best practice.
- b) If the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risks to identified receptors.
- c) If the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: To ensure that potential contamination of the site is satisfactorily assessed and to comply with Policy DR10 of Herefordshire Unitary Development Plan.

- 15 The Remediation Scheme, as approved pursuant to condition no. 14 above, shall be fully implemented before development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

Reason: To ensure contamination of the site is removed or contained and to comply with Policy DR10 of Herefordshire Unitary Development Plan.

Informatives:

- 1 **N01 Access for all**
- 2 **N03 Adjoining property rights**
- 3 **N04 Rights of way**
- 4 **N05 Council ownership**
- 5 **N08 Advertisements**
- 6 **N10 Council contract**
- 7 **N11C General**
- 8 **W02 Welsh Water rights of access**
- 9 **W01 Welsh Water Connection to PSS**
- 10 **N19 Avoidance of doubt - Approved Plans**
- 11 **N15 Reason(s) for the Grant of PP/LBC/CAC**

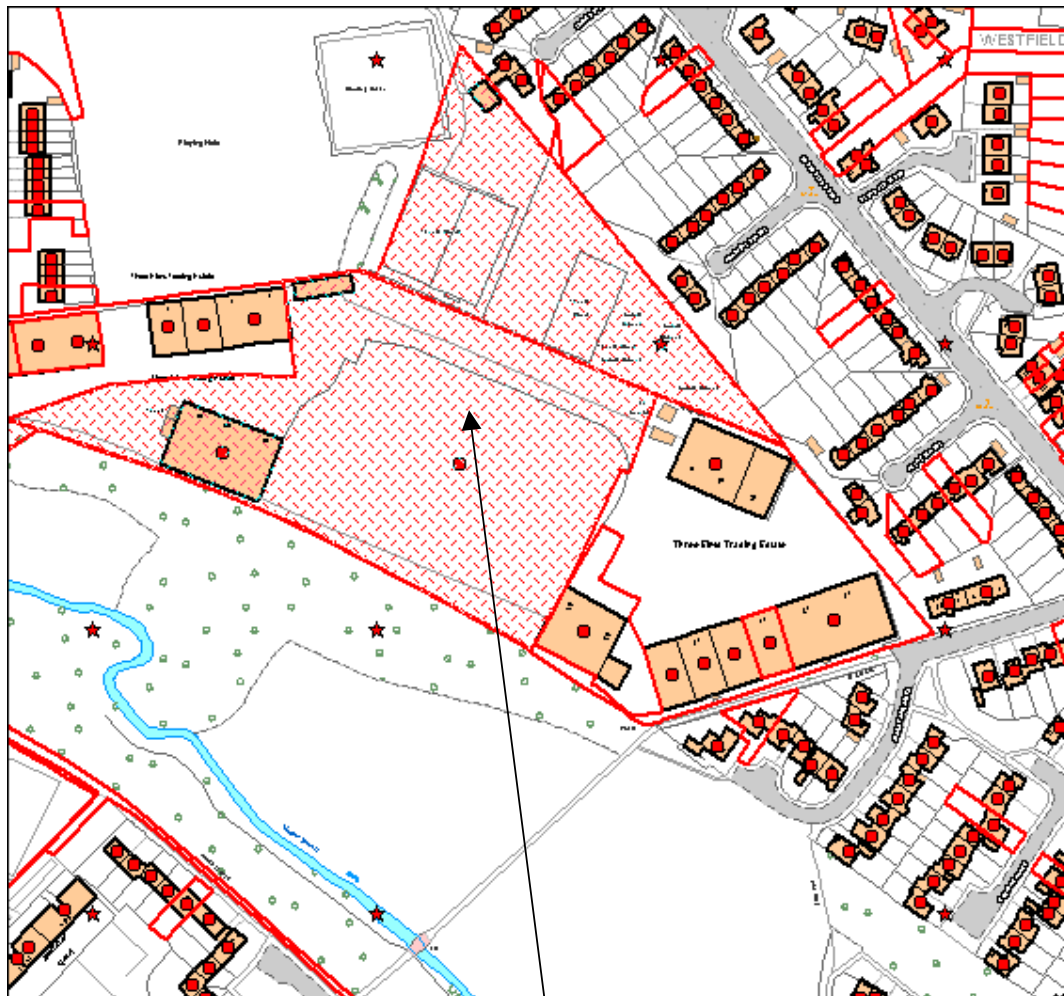
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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SITE ADDRESS : THREE ELMS TRADING ESTATE, BAKERS LANE, THREE ELMS ROAD, HEREFORD, HR4 9P

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